

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

XPOINT TECHNOLOGIES, INC.,

Plaintiff,

v.

Civil Action No. 09-CV-00628 (SLR)

MICROSOFT CORP., et al.,

Defendants.

**NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF
MARVELL TECHNOLOGY GROUP, LTD**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(i), and subject to the Tolling Agreement executed on or about October 23, 2009, Plaintiff Xpoint Technologies, Inc. hereby dismisses its claims only against Defendant Marvell Technology Group, Inc. (“Marvell”), from this action without prejudice. Marvell has not filed or served an answer nor filed any motion in this action. No prejudice to any party will result from the dismissal of Marvell. This is not intended to affect Plaintiff’s claims in this case against any Defendant other than Marvell.

BOUCHARD MARGULES
& FRIEDLANDER, P.A.

/s/ Sean M. Brennecke

David J. Margules (#2254)
Sean M. Brennecke (#4686)
222 Delaware Ave., Suite 1400
Wilmington, DE 19801
Phone: (302) 573-3500
Fax: (302) 573-3501
dmargules@bmf-law.com
sbrennecke@bmf-law.com

BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP
Chad Johnson
Joshua L. Raskin
Jai Chandrasekhar
Adam Wierzbowski
Karine Louis
Sean O'Dowd
1285 Avenue of the Americas, 38th Floor
New York, NY 10019
Phone: (212) 554-1400
Fax: (212) 554-1444

SUGHRUE MION, PLLC
William H. Mandir
John F. Rabena
Kelly G. Hyndman
Brian K. Shelton
Eric S. Barr
2100 Pennsylvania Ave., N. W.
Washington, DC 20037
Phone: (202) 663-7959
Fax: (202) 293-7860

ATTORNEYS FOR XPOINT TECHNOLOGIES

Dated: October 28, 2009